

CHAPTER 138—H.F.No. 2179

An act relating to education; formulating a statewide testing and reporting system; requiring the state board of education to amend certain educational testing rules; proposing coding for new law in Minnesota Statutes, chapter 121.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [121.1113] STATEWIDE TESTING AND REPORTING SYSTEM.

Subdivision 1. **STATEWIDE TESTING.** (a) The commissioner, with advice from experts with appropriate technical qualifications and experience and stakeholders, shall include in the comprehensive assessment system, for each grade level to be tested, a single statewide norm-referenced or criterion-referenced test, or a combination of a norm-referenced and a criterion-referenced test, which shall be highly correlated with the state's graduation standards and administered annually to all students in the third, fifth, and eighth grades. The commissioner shall establish one or more months during which schools shall administer the tests to students each school year. The Minnesota basic skills tests in reading and mathematics shall fulfill students' eighth grade testing requirements.

(b) In addition, at the secondary level, districts shall assess student performance in all required learning areas and selected required standards within each area of the profiles of learning. The testing instruments and testing process shall be determined by the commissioner. The results shall be aggregated at the site and district level. The testing shall be administered beginning in the 1999-2000 school year and thereafter.

(c) The comprehensive assessment system shall include an evaluation of school site and school district performance levels during the 1997-1998 school year and thereafter using an established performance baseline developed from students' test scores under this section that records, at a minimum, students' unweighted mean test scores in each tested subject, a second performance baseline that reports, at a minimum, the same unweighted mean test scores of only those students enrolled in the school by January 1 of the previous school year, and a third performance baseline that reports the same unweighted test scores of all students except those students receiving limited English proficiency instruction. The evaluation also shall record separately, in proximity to the performance baselines, the percentages of students who are eligible to receive a free or reduced price school meal, demonstrate limited English proficiency, or are eligible to receive special education services.

(d) In addition to the testing and reporting requirements under paragraphs (a), (b), and (c), the commissioner, in consultation with the state board of education, shall include the following components in the statewide educational accountability and public reporting system:

(1) uniform statewide testing of all third, fifth, eighth, and post-eighth grade students with exemptions, only with parent or guardian approval, from the testing requirement only for those very few students for whom the student's individual education plan team under section 120.17, subdivision 2, determines that the student is incapable of taking a statewide test, or a limited English proficiency student under section 126.262, subdivision 2, if the student has been in the United States for fewer than 12 months and for

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whom special language barriers exist, such as the student's native language does not have a written form or the district does not have access to appropriate interpreter services for the student's native language;

(2) educational indicators that can be aggregated and compared across school districts and across time on a statewide basis;

(3) students' scores on the American College Test;

(4) participation in the National Assessment of Educational Progress so that the state can benchmark its performance against the nation and other states, and, where possible, against other countries, and contribute to the national effort to monitor achievement; and

(5) basic skills and advanced competencies connecting teaching and learning to high academic standards, assessment, and transitions to citizenship and employment.

(e) Districts must report exemptions under paragraph (d), clause (1), to the commissioner consistent with a format provided by the commissioner.

Subd. 2. DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING ASSISTANCE. The department of children, families, and learning shall contract for professional and technical services according to competitive bidding procedures under chapter 16B for purposes of this section.

Subd. 3. REPORTING. The commissioner shall report test data publicly and to stakeholders, including the three performance baselines developed from students' unweighted mean test scores in each tested subject and a listing of demographic factors that strongly correlate with student performance. The commissioner shall also report data that compares performance results among school sites, school districts, Minnesota and other states, and Minnesota and other nations. The commissioner shall disseminate to schools and school districts a more comprehensive report containing testing information that meets local needs for evaluating instruction and curriculum.

Sec. 2. PASSING SCORE.

(a) By September 1, 1997, the state board of education shall amend Minnesota Rules, part 3501.0180, subparts 2 and 3, to adjust the passing scores for the state mathematics and reading tests for students entering the ninth grade in 1998. This amendment must be done in the manner specified in Minnesota Statutes, section 14.386, paragraph (a).

(b) The state board of education may subsequently amend this rule according to the provisions of Minnesota Statutes, chapter 14.

Sec. 3. REPORT.

The commissioner of children, families, and learning shall report to the education committees of the legislature by February 1, 1998, that the proposed assessment process under section 1, subdivision 1, paragraph (b), appropriately measures students' performance on the profile of learning and can demonstrate that the proposed assessment process will be ready for statewide implementation beginning in the 1999-2000 school year.

Sec. 4. EFFECTIVE DATE.

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This act is effective the day following final enactment.

Presented to the governor May 9, 1997

Signed by the governor May 12, 1997, 11:20 a.m.

CHAPTER 139—S.F.No. 995

VETOED

CHAPTER 140—S.F.No. 641

An act relating to utilization review organizations; requiring a peer of the treating mental health or substance abuse provider to review a utilization review organization's determination not to certify a mental health or substance abuse service; amending Minnesota Statutes 1996, section 62M.09, subdivision 3, and by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1996, section 62M.09, subdivision 3, is amended to read:

Subd. 3. **PHYSICIAN REVIEWER INVOLVEMENT.** A physician must review all cases in which the utilization review organization has concluded that a determination not to certify for clinical reasons is appropriate. The physician should be reasonably available by telephone to discuss the determination with the attending physician. This subdivision does not apply to outpatient mental health or substance abuse services governed by subdivision 3a.

Sec. 2. Minnesota Statutes 1996, section 62M.09, is amended by adding a subdivision to read:

Subd. 3a. **MENTAL HEALTH AND SUBSTANCE ABUSE REVIEWS.** A peer of the treating mental health or substance abuse provider or a physician must review requests for outpatient services in which the utilization review organization has concluded that a determination not to certify a mental health or substance abuse service for clinical reasons is appropriate, provided that any final determination not to certify treatment is made by a psychiatrist certified by the American Board of Psychiatry and Neurology, and appropriately licensed in the state in which the psychiatrist resides. Notwithstanding the notification requirements of section 62M.05, a utilization review organization that has made an initial decision to certify in accordance with the requirements of section 62M.05 may elect to provide notification of a determination to continue coverage through facsimile or mail.

Presented to the governor May 9, 1997

Signed by the governor May 12, 1997, 11:06 a.m.

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